

Item # _____

Prepared by: Darren Sanders
Engineering

Approved by: Lisa Kelly
County Attorney

A RESOLUTION APPROVING A CONTRACT WITH WHITE CONTRACTING, INC. IN THE AMOUNT OF \$620,821.00 AND \$62,082.10 FOR AN EXTRA WORK ALLOWANCE FOR A TOTAL AMOUNT OF \$682,903.10 FOR IMPROVEMENTS TO THE INTERSECTION OF CANADA ROAD AND INTERSTATE 40 AND TO THE INTERSECTION OF RALEIGH LAGRANGE ROAD AT DEXTER ROAD USING FEDERAL FUNDS FROM THE CONGESTION MANAGEMENT AIR QUALITY PROGRAM. THIS ITEM REQUIRES AN EXPENDITURE OF FEDERAL GRANT FUNDS IN THE AMOUNT OF \$682,903.10. SPONSORED BY COMMISSIONER WYATT BUNKER.

WHEREAS, The Congestion Management Air Quality (CMAQ) Program is a one hundred percent (100%) federally funded initiative to reduce vehicle emissions associated with traffic congestion; and

WHEREAS, The intersections of Canada Road at Interstate 40 and Raleigh-LaGrange Road at Dexter Road qualify for improvements under this program based on measured vehicle emissions during periods of traffic congestion; and

WHEREAS, Sealed bids were requested and received on May 26, 2009 under RFP #09-004-73 for CMAQ, Project Set #3 for intersection improvements for both Canada Road at Interstate 40 and Raleigh-LaGrange Road at Dexter Road with the lowest/best bid meeting specifications being submitted by White Contracting, Inc. in the amount of \$620,821.00; and

WHEREAS, White Contracting, Inc. has committed to subcontract 13.4% of the work to locally owned small businesses (LOSBS); and

WHEREAS, It is necessary to appropriate federal CMAQ funds in the amount of \$620,821.00 to fund this contract and to appropriate funds in the amount of \$62,082.10 for an extra work allowance for a total amount of \$682,903.10.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the contract with White Contracting, Inc. in the amount of \$620,821.00 for intersection improvements of Canada Road at Interstate 40 and Raleigh-LaGrange Road at Dexter Road is hereby approved.

BE IT FURTHER RESOLVED, That funds in the amount of \$682,903.10 are hereby appropriated for said contract and extra work allowances from the FY 2009-2010 Operating Budget from Account No. 698-300201-6678.

BE IT FURTHER RESOLVED, That the County Mayor is hereby authorized to execute the aforementioned contract on behalf of Shelby County Government, an executed copy of which is to be placed on file in the Contracts Administration Section of the Office of the County Attorney.

BE IT FURTHER RESOLVED, That the Mayor and the Director of Administration and Finance are hereby authorized to issue their warrant or warrants in amounts not to exceed \$682,903.10 for the purposes contained in this resolution to White Contracting, Inc. and to take proper credit in their accounting therefor.

BE IT FURTHER RESOLVED, That, where it is not inconsistent with the requirement of the federal grant, the following language be included in resulting contracts: "Any recipient entity shall be subject to the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 200d et seq., and regulations promulgated pursuant thereto. It shall develop a Title VI implementation plan with participation by protected beneficiaries as may be required by such law or regulations. To the extent applicable, such plan shall include Title VI implementation plans of subrecipients of federal funds through the entity. The entity shall submit annual Title VI compliance reports and Implementation plan updates to the Commission by October of each year. The reporting period shall cover the most recent fiscal year."

A C Wharton, Jr., Mayor

Date:_____

ATTEST:

Clerk of County Commission

ADOPTED_____

SUMMARY SHEET

I. Description of Item

This project provides for intersection improvements at the I-40 and Canada Road interchange in the City of Lakeland and the intersection of Raleigh-LaGrange Road at Dexter Road in the unincorporated area of Shelby County. Both intersections use all-way stop controls which are not adequate to disperse the volume of traffic. For example, during afternoon peak hours traffic at the Canada Road interchange in the City of Lakeland will queue up onto the interstate forcing motorists to use the emergency lane on I-40 for stacking.

II. Source and Amount of Funding

A. Amount Expended/Budget Line Item

Fiscal Year 2010 Available Budget	\$ 3,701,348.85
This Request	< 682,903.10 >
Remaining Budget Balance	\$ 3,018,445.75

B. All Costs (Direct/Indirect)

1. No Shelby County funds are required for this project.

C. Additional or Subsequent Obligations or Expenses of Shelby County

1. None

III. Contract Items

- | | |
|---------------------|--|
| A. Type of Contract | Standard |
| B. Terms | <u>425</u> calendar days or until project completion |

IV. Additional Information Relevant to Approval of This Item

The CMAQ Program is a one hundred percent (100%) federally funded initiative to identify, design and construct improvements that will improve air quality through the reduction of emissions from traffic congestion. The federal grant funds received by Shelby County are utilized for projects in the unincorporated areas of the County as well as the suburban cities of Bartlett, Collierville, Arlington, Germantown, Lakeland, and Millington.

The initial request for proposals (RFP) for this project was issued October 8, 2008 with bids being received on November 4, 2008. This RFP process resulted in a single bidder response with a locally owned small business (LOSBS) percentage of 4.2% of the contract, below the project goal of 20%. In an effort to solicit more bidders and increase the LOSBS percentage, this project was bid a second time on December 1, 2008 with bids being received on December 23. The second bidding process was invalidated by the Federal

Highway Administration (FHWA) due to an inconsistency in the state and federal guidelines. Tennessee Department of Transportation (TDOT) requires the contractor license number to be written on the outside of the sealed bid however this conflicts with FHWA rules, and the decision was made by FHWA to negate the bids. County Purchasing coordinated with FHWA, TDOT and the Tennessee State Licensing Board to gain concurrence that future bids would be accepted without the contractor's license number affixed to the sealed bid. A third RFP for the project was issued on April 22, 2009 and it resulted in a single bidder response. White Contracting, Inc., a locally owned and managed construction company, was the sole responder. The rebidding did increase the LOSB percentage from the initial participation of 4.2% to 13.4%. The unit prices in the bid were evaluated and found to be in good order and the total bid is approximately 7% below the engineering estimate prepared by the County's consultant.

The major reason that the low bidder has found it difficult to meet the LOSB goal is that 40% of this project is composed of traffic signal items, which in the construction industry are considered specialty items. Because of the lack of LOSB's providing traffic signal construction services, the low bidder had only 60% of the project amount available to achieve the 20% goal. The LOSB percentage for the work that does not include the specialty items is approximately 22.5%. As a side note, the Tennessee Department of Transportation set a disadvantaged business enterprise (DBE) goal of 6% for this project based on the type of work.